

REMARKS

This paper is being submitted in connection with a Continuation Prosecution Application ("CPA") being filed on even date herewith and addresses points raised in the Office Action of May 10, 2002 for the above-referenced patent application. In this paper, Applicant has canceled Claims 20-24, and 28-49 added new Claims 50-93. Applicant respectfully submits that the newly added claims are supported by the originally filed specification.

The rejection of Claims 1-11, 15-19 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Nagral et al. (U.S. Patent No. 6,260,044, hereinafter referred to as "Nagral") in view of Stiegemeier et al. (U.S. Patent No. 6,192,381, hereinafter referred to as "Stiegemeier") is addressed herein by filing of the CPA as explained below.

In accordance with 35 U.S.C. 103(c), Applicant respectfully submits that Nagral should be removed as a reference since Nagral and the claimed invention of the above-referenced patent application were, at the time the invention was made, both assigned to, or under an obligation of assignment to a common assignee, NuGenesis Technologies Corporation, and Nagral qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. 102.

In view of the foregoing, Applicants respectfully request that the rejection be reconsidered and withdrawn.

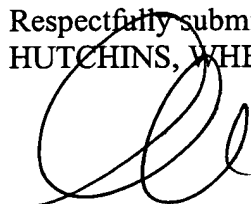
The rejection of Claims 12-14 under 35 U.S.C. 103(a) as being unpatentable over Nagral in view of Stiegemeier and further in view of Maejima (U.S. Patent No. 5,327,568,

hereinafter referred to as " Maejima ") is addressed herein by filing of the CPA as explained above in connection with the rejection of Claims 1-11, 15-19 and 25-27. For reasons similar to those set forth above, Applicant respectfully submits that Nagral should be removed as a reference and accordingly requests that the rejection be reconsidered and withdrawn.

Applicants respectfully submit that newly added Claims 50-93 are also patentable over the cited prior art.

Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 617-951-6661.

Respectfully submitted,
HUTCHINS, WHEELER & DITTMAR



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Patent Group
Hutchins, Wheeler & Dittmar
101 Federal Street
Boston, MA 02110-1804

Anne E. Saturnelli
Registration No. 41,290